



From: Nixon, Lance
To: Andrews, Lawrence
Subject: FW: comments on Wilcox Oil SNL package
Date: Wednesday, July 23, 2014 1:20:00 PM

From: Benton, Marvin
Sent: Wednesday, July 23, 2014 1:20 PM
To: Malone, George
Cc: Andrews, Mary; Nixon, Lance; Benton, Marvin
Subject: RE: comments on Wilcox Oil SNL package

George:

Will do. I will meet with Lance in the morning.

What is the date of the most current model ?

I thought I had the most current version of the model.

Thanks,

Marvin

From: Malone, George
Sent: Wednesday, July 23, 2014 12:05 PM
To: Benton, Marvin
Cc: Andrews, Mary; Nixon, Lance
Subject: FW: comments on Wilcox Oil SNL package

Marvin,

The Superfund Program requested that I contact you regarding the Wilcox special notice package. Please follow up with Lance to make sure the changes to the special notice package are made. In addition, it appears that the most current model AOC for RI/FS may not have been utilized here. Please review to make sure the RI/FS model language is included in the draft AOC, and the cross-references in the draft AOC are correct. Thanks.

From: Travis, Pamela
Sent: Tuesday, July 22, 2014 7:16 PM
To: Nixon, Lance; Canellas, Bart; Andrews, Lawrence; Brewer, Linda; Christian, Doretha



9547141

Cc: Benton, Marvin; Malone, George
Subject: comments on Wilcox Oil SNL package

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Hi all – I took a quick look at the package in concurrence in LotusNotes this afternoon and there are a few discrepancies that need to be resolved before it moves further through the concurrence chain. On a general, editorial note, there are problems with spacing between words within paragraphs (likely where model language has been modified) and also spacing between paragraphs. Also, anywhere in the body of the document there is a cross-reference to another paragraph or sub-paragraph, those need to be checked and corrected as needed.

Specific comments:

1. There is no demand for a specific dollar amount of past costs to start the pre-judgment interest clock running. If this case team has not already sent a demand letter for a sum certain of past costs, you might consider working it into this package so that we can recover pre-judgment interest in the future.
2. Decision to seek past costs – have we made the decision not to seek past costs in this AOC? If so, take past costs out of the “Contribution” section in par. 92.b. If not, add past costs to paragraphs 1, 9, 11, 21, and the attorney general approval paragraphs necessary to compromise.
3. Par. 19 – this paragraph does not appear in the model and does not appear to be a complete sentence here; consider deleting.
4. Par. 44(a) – check references to paragraphs 44 and 45; I think this reference relates to paragraphs 42 and 43. Cross-check all paragraph numbers throughout the document.
5. Par. 44(d) – refers to subparagraph 44.c.
6. Par. 65.a. – check subparagraph cross-reference.
7. Par. 66 – check paragraph cross-references.
8. Par. 67 – check reference to paragraph 84 – looks like that has changed to 85?
9. Par. 70 – notification: does this go to Cindy Brown, or to Lance Nixon, the EO for this site.
10. Par. 79.a. – Fill in SSID#. Correct site name (this refers to the Cedar Chemical Site, not the Wilcox Site). Also, some of this section looks like payment provisions for a consent decree (with payment instructions from DOJ or a U.S. Attorney’s Office); this AOC should contain payment provisions necessary for an administrative settlement.
11. Before Par. 80 – There is a paragraph in the model RI/FS AOC regarding interest on late payments of future costs that needs to be plugged in here.
12. Par. 98 – RPM question: What is EPA’s current estimate of the cost of RI/FS Work under this order? If EPA had to do the Work, what would it cost us?
13. Par. 100 – check all cross-references to paragraph numbers.
14. Par. 102 – Check Appendix B and C – which is which?

I only reviewed the notice letter and the AOC, not the SOW. This is my last day to act for Mark, but having spent time this afternoon going through those two documents, wanted to pass these comments along for correction. Many thanks.

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